

1 BILL NO. R-83-10-20

2 RESOLUTION NO. R-95-83

3 A RESOLUTION FINDING, DETERMINING  
4 AND RATIFYING AN INDUCEMENT RESOLUTION  
5 OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION  
6 AUTHORIZING THE ISSUANCE AND SALE OF  
7 \$800,000.00 ECONOMIC REVENUE BONDS OF THE  
8 CITY OF FORT WAYNE, INDIANA,  
9 FOR THE PURPOSE OF INDUCING THE APPLICANT,  
10 ANTHONY WAYNE BANK, TRUSTEE - ZACHER KEOGH #T-0893  
11 TO PROCEED WITH THE ACQUISITION  
12 CONSTRUCTION AND EQUIPPING OF THE PROJECT.

13 WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is  
14 authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue  
15 bonds for the financing of economic development facilities, the  
16 funds from said financing to be used for the acquisition,  
17 construction and equipping of said facilities, and said facili-  
18 ties to be either sold or leased to another person or directly  
19 owned by another person; and

20 WHEREAS, Anthony Wayne Bank, Trustee - Zacher Keogh #T-  
21 0893 (the "Applicant") has advised the Fort Wayne Economic  
22 Development Commission and the Issuer that it proposes that the  
23 Issuer acquire and equip an economic development facility and sell  
24 and/or lease the same to the Applicant or loan proceeds of an eco-  
25 nomic develop ment financing to the Applicant for the same, said  
26 economic development facility to be acquisition of real estate and  
27 construction of a 16,000 sq. ft. building for use as an office  
28 building to be leased to Dana Corporation, Weatherhead Division, to  
29 be located at Brotherhood Office Park, Fort Wayne, Indiana  
30 including the costs of issuance (the "Project"); and

31 WHEREAS, the diversification of industry and an increase in  
32 30 to 60 jobs to be achieved by acquisition and construction and  
33 equipping of the Project will be of public benefit to the health,  
34 safety and general welfare of the Issuer and its citizens; and

35 WHEREAS, having received the advice of the Fort Wayne  
36 Economic Development Commission, it would appear that the  
37 financing of the Project would be of public benefit to the



1 health, safety and general welfare of the Issuer and its  
2 citizens; and

3 WHEREAS, the acquisition and construction of the faci-  
4 lity will not have an adverse effect on any similar facility  
5 already constructed or operating in or about Fort Wayne,  
6 Indiana.

7 NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
8 THE CITY OF FORT WAYNE, INDIANA:

9 SECTION 1. The Common Council finds, determines, rati-  
10 fies and confirms the promotion of diversification of economic  
11 development and job opportunities in and near Fort Wayne,  
12 Indiana and in Allen County, is desirable to preserve the  
13 health, safety and general welfare of the citizens of the  
14 Issuer; and that it is in the public interest that Fort Wayne  
15 Economic Development Commission and said Issuer take such action  
16 as it lawfully may to encourage diversification of industry and  
17 promotion of job opportunities in and near said Issuer.

18 SECTION 2. The Economic Development Commission in  
19 recommending the project, found specifically that the project  
20 will not have an adverse competitive effect on similar facilities  
21 already constructed or operating in Allen County, Indiana, and  
22 the Common Council has also held a hearing and specifically finds  
23 that the project will not have an adverse competitive effect on  
24 similar facilities already constructed or operating in Allen  
25 County, Indiana.

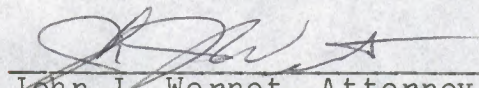
26 SECTION 3. The Common Council further finds, deter-  
27 mines, ratifies and confirms that the issuance and sale of reve-  
28 nue bonds in an amount not to exceed \$800,000.00 of the Issuer  
29 under the Act for the acquisition, construction and equipping of  
30 the Project and the sale or leasing of such a financing to the  
31 Applicant for such purposes will serve the public purpose  
32 referred to above, in accordance with the Act.



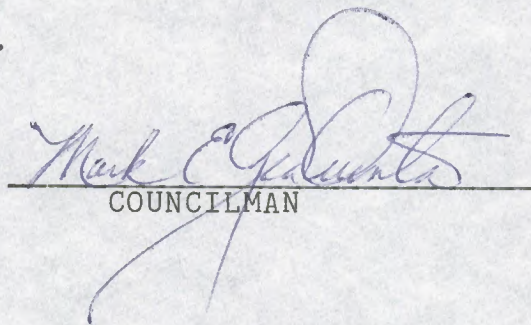
SECTION 4. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 5. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

APPROVED AS TO FORM AND  
LEGALITY.

  
John J. Wernet, Attorney for the  
Economic Development Commission

Dated this 21<sup>st</sup> day of October, 1983

  
COUNCILMAN



Read the first time in full and on motion by GiaQuinta, seconded by Stu, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 10-25-83 Sandra E. Kennedy  
CITY CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Talarico, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCRUGGS</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 11-1-83 Sandra E. Kennedy  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) NO. B-95-83 on the 1st day of November, 1983.

ATTEST: (SEAL)  
Sandra E. Kennedy Ray A. E. [Signature]  
CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 2nd day of November, 1983, at the hour of 10:00 o'clock A. M., E.S.T.

Sandra E. Kennedy  
CITY CLERK

Approved and signed by me this 2nd day of Nov, 1983, at the hour of 2 o'clock P. M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR. - MAYOR



APPLICATION TO  
FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION  
FOR "LOANS THROUGH LENDERS" PROGRAM  
FORT WAYNE, INDIANA

I. GENERAL INFORMATION

- A. Name of Applicant: Anthony Wayne Bank, Trustee - Zacher Keogh #T-0893
- B. Applicant's Principal Address: Trust Department, Anthony Wayne Bank  
8th Floor, Anthony Wayne Bank Bldg. Telephone: (219 ) 423-3611
- C. Applicant's legal organization (e.g. corporation, partnership, sole proprietorship, joint venture, etc.):  
Trust for Keogh Retirement Plan
- D. Under laws of what state is the applicant organized?:  
Indiana & Federal Government
- E. Business in which applicant is engaged: Pension
- (1) S.I.C. Code: -
- F. How long has applicant been in operation in Allen County?:  
2 Years

II. MANAGEMENT

A. Principal Operating Personnel:

<u>Name</u>	<u>Title</u>
<u>Ralph Elston</u>	<u>Trustee</u>
<u></u>	<u></u>
<u></u>	<u></u>



- B. All persons or firms having an ownership interest of 10% or more in the applicant organization.

<u>Name</u>	<u>% Ownership</u>
<u>Anthony Wayne Bank, Trustee - Zacher</u>	<u>100%</u>
<u>Keogh #T-0893</u>	<u></u>

- C. Persons who have either a legal interest in the applicant or a debt obligation from/to the applicant, and are a member of either the Fort Wayne Economic Development Commission, Common Council of Fort Wayne, or Allen County Council:

None

- D. Has any person listed above been convicted of a felony, or convicted of, or enjoined from any violation of a state or federal securities law within the past ten years:

Yes        No   X  

### III. PROPOSED PROJECT

- A. Briefly describe the proposed project (attach renderings if available): 16,000 square foot office building for major

tenant to be located in Brotherhood Office Park

- B. Proposed amount of bond issue: \$1,000,000

- C. How are the proceeds of the issue to be used (Itemize by category of expenditure): Purchase land, construct building

to be leased to major tenant

- D. Additional finance sources to be used if bond issue is not sufficient to complete proposed project:

Land Loan.



F. Where is the proposed project to be located (Give both street address and legal description): \_\_\_\_\_

See description attached marked Exhibit "A"

(1) Is project solely within the city limits of Fort Wayne: Yes: X No: \_\_\_\_\_

(2) If no, will you waive your right to remonstrate annexation: Yes: \_\_\_\_\_ No: \_\_\_\_\_

(3) Is project solely within the Fort Wayne Community School District: Yes: X No: \_\_\_\_\_

(4) If no, name of school district in which project is located: \_\_\_\_\_

F. Approximate size of tract or parcel on which project will be situated: 2 Acres

G. Will any portion of proposed project be leased from another entity: Yes: X No: \_\_\_\_\_

(1) If yes, name entity and describe portion to be leased: Brotherhood Mutual Insurance Company

H. What is existing zoning classification on parcel:

B1A

I. What zoning classification does project require:

B1A

J. Are water and sewer available for access:

Yes: X No: \_\_\_\_\_

(1) If no, how will access to these utilities be obtained: \_\_\_\_\_



C. Annual Payroll:

- (1) At time of application: \$600,000 (now)
- (2) Within year of project completion: \_\_\_\_\_
- (3) Within 3 years of project completion: \_\_\_\_\_

D. If project is not funded by the "Loan Through Lenders" program, is there a substantial possibility of loss of existing jobs in Allen County: Yes: \_\_\_\_\_ No: X

- (1) If yes, give number of jobs to be lost and approximate annual payroll loss:

V. MISCELLANEOUS INFORMATION -

- A. Applicant's net worth as of the end of the calendar quarter preceding the date of application:  
(The lease guaranteed by A rated tenant is worth \$1,000,000.)  
Bonds are to be purchased by The Anthony Wayne Bank.

- B. Has the proposed project been informally reviewed by bond counsel: Yes: X No: \_\_\_\_\_

- (1) If yes, what is name of bond counsel firm:

Norman Snow

- C. Name, address and telephone of contact person for further details on project: A. J. Zacher, Suite 1107, Anthony

Wayne Bank Bldg. 422-8474



K. Are septic tanks or other temporary sewage treatment and disposal facilities to be used in lieu of sewer:

Yes: \_\_\_\_\_ No: X

(1) If yes, describe facility: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

L. Briefly describe any adverse environmental impact upon land, air, water or noise which is anticipated as a result of the proposed project: None

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### IV. JOBS AND PAYROLLS -

A. Number of Employees:

(1) At time of application: 40

Full Time: 40 Part Time: \_\_\_\_\_

(2) Within year of project completion: \_\_\_\_\_

Full Time: \_\_\_\_\_ Part Time: \_\_\_\_\_

(3) Within 3 years of project completion: \_\_\_\_\_

Full Time: \_\_\_\_\_ Part Time: \_\_\_\_\_

B. Briefly describe the category and nature of the new jobs to be created: computer, management, secretarial

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## VI. APPLICANT'S CERTIFICATION

I/We certify that all information in this application and attached exhibits are true and complete to the best of my/our knowledge and belief. Verification may be obtained from any source named herein.

AUTHORWAY WAYNE BANK - TRUSTEE - ZACHER KEGH T-0893



(Signature)

RALPH B. ELSTON  
VICE PRESIDENT AND TRUST OFFICER

(Signature)

OCTOBER 18, 1983

(Date)

## VII. EXHIBITS

- A. Applicant's Financial Statements (for past 3 years).
- B. Applicant's Two Year Income Projection. (Ten Year)
- C. Breakdown of project costs with written estimates from contractors and suppliers.
- D. Proof of applicant's equity contribution (if any).
- E. Schedule of Applicant's existing debt and encumbered assets.
- F. Personal financial statements for each owner (if applicable).
- G. Letter of commitment from local lender for a letter of credit.

Return to:

E.D.C. Coordinator  
Department of Economic Development  
City County Building, Room 840  
One Main Street  
Fort Wayne, IN 46802

(219) 427-127



**ANTHONY WAYNE**

berry at clinton — fort wayne, ind. 46802



**BANK**

ph. (219) 423-3611

October 18, 1983

Anthony Wayne Bank Trust Department  
Trustee for Alfred J. Zacher Keogh Plan T0893  
203 East Berry Street  
Fort Wayne, Indiana 46802

Gentlemen:

Anthony Wayne Bank, in participation with another financial institution, agrees to purchase up to \$800,000.00 of Industrial Revenue Bonds which will be issued to provide construction and long-term financing for a building to house the corporate headquarters of the Weatherhead Division of Dana.

It is the understanding of the bank that the building will be approximately 16,000 square feet and will be located on two acres of land. The bond will be secured by a first mortgage on the real estate and an assignment of the lease between the Trustee and Bank, providing for assets sufficient to liquidate the Bonds during their term.

The indebtedness will be evidenced by one bond and will mature in ten (10) years from date of issue. Interest will be charged on the outstanding balance at a fixed rate of ten percent.

Our purchase of the bond issue is subject to acceptable review of all documents by legal counsel for the bank, and of course, the normal requirements for mortgage loans such as title insurance, survey, acceptable insurance, etc.

This commitment expires December 31, 1983 unless extended in writing by Anthony Wayne Bank.

Very truly yours,

Mary E. Williams  
Assistant Vice President

MEW/kmk





October 17, 1983

Anthony Wayne Bank & Trust Company  
Trustee, Trust No. T-0893  
Fort Wayne, Indiana

Re: Letter of Intent

Dear Sirs:

Please be advised that it is the intention of Dana Corporation, Weatherhead Division ("Dana-Weatherhead"), to lease, subject to the conditions discussed below, an office building to be located on Lot 3 in the Brotherhood Office Park in Fort Wayne, Indiana. We are proceeding with the understanding that, as Trustee, you will assist in the construction of the building and implementation of the lease arrangement. As you might expect, time is of the essence to us as we would like construction to begin to assure occupancy of the building on June 1, 1984.

It is our understanding that financing for this project will be accomplished through economic development bonds and UDAG grants. We have been advised that Anthony Wayne Bank and Trust Company and Brotherhood Mutual will purchase the bonds. We further understand that inducement resolutions are expected to be approved by The Economic Development Commission and the Common Council of the City of Fort Wayne.

As indicated, our intent is subject to several conditions. These conditions include:

- 1) the construction of a building in the aforementioned location of approximately 16,000 square feet which shall be completed in a timely manner and to Dana-Weatherhead's approval and satisfaction; and
- 2) the negotiation of a satisfactory ten year lease satisfactory to Dana-Weatherhead at a fixed rate of \$6.93 per square foot for entire lease term; and
- 3) relief from property taxes in a manner reasonably acceptable to Dana-Weatherhead; and
- 4) the approval of each aspect of the financing package discussed above; and
- 5) the timely approval and completion of the project; and
- 6) the accuracy of the understandings that Dana-Weatherhead has as discussed in this letter.

The failure of any of these conditions would require a review of the intent expressed in this letter.





DANA CORPORATION

To: Anthony Wayne Bank & Trust Company

October 17, 1983  
Page: 2

Therefore, in view of the foregoing, we hereby authorize you as Trustee, to proceed to procure the necessary resolutions and to submit the customary applications for the desired financings.

If there should be any questions, please advise.

DANA CORPORATION, Weatherhead Division

By

George D. Doresco

/mjt

7504A



BILL NO. R-83-10-20

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN

~~ORDINANCE~~ ~~XXXXXX~~ A RESOLUTION FINDING, DETERMINING AND RATIFYING AN  
INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT  
COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$800,000.00 ECONOMIC  
REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA; FOR THE PURPOSE  
OF INDUCING THE APPLICANT, ANTHONY WAYNE BANK, TRUSTEE - ZACKER  
KEOGH #T-0893 TO PROCEED WITH THE ACQUISITION CONSTRUCTION AND  
EQUIPPING OF THE PROJECT

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

MARK E. GIAQUINTA, CHAIRMAN

*Mark E. Giaquinta*

JAMES S. STIER, VICE CHAIRMAN

*James S. Stier*

JANET G. BRADBURY

*Janet G. Bradbury*

SAMUEL J. TALARICO

*Samuel J. Talarico*

DONALD J. SCHMIDT

*Donald J. Schmidt*

*Concurred in  
11-1-83*

*Sandra E. Kennedy*